

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Roy Lee McArthur

Docket No. 5:12-CR-360-1FL

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Roy Lee McArthur, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on July 10, 2013, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

McArthur was released from custody on July 14, 2016, at which time the term of supervised release commenced. On August 9, 2016, a DROPS Sanction Report to the Court was submitted advising that the defendant tested positive for cocaine and marijuana on July 19, 2016. McArthur completed 2 days in jail. On October 5, 2016, a DROPS Sanction Report to the Court was submitted advising that the defendant tested positive for marijuana on September 17, 2016, and the defendant completed 5 days in jail.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 10, 2016, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on December 19, 2016. During a home inspection on December 20, 2016, MacArthur denied actively using marijuana, but he acknowledged the validity of the test and admitted to being around those who used illegal drugs. Additionally, on December 11, 2016, the defendant was charged in Wilson County, North Carolina, with Misdemeanor Injury to Real Property (16CR54395), a charge in which he failed to notify the probation officer within 72 hours as required. According to the Warrant for Arrest, on November 15, 2016, the defendant “damaged the front entrance door/frame and sheetrock to the living room, the property of Somerset Apartments and Miesha Graham, tenant.” The defendant denies committing this offense. The probation officer personally spoke with Ms. Graham, who stated that she called the police, gave the defendant’s name, but was uncertain if the defendant was the person who damaged her door. As a sanction for these violations, the probation office is recommending that he be placed on 30 days curfew with electronic monitoring. It is the recommendation of the probation officer to continue supervision pending the adjudication of this new charge. If a conviction occurs, the court will be notified immediately. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all probation requirements, instructions, and procedures provided by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

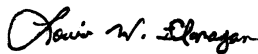
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: December 21, 2016

ORDER OF THE COURT

Considered and ordered this 22nd day of December, 2016, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge